

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CARLOS RAPHAEL BATISTA,	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	NO. 09-3757
	:	
MICHAEL J. ASTRUE,	:	
Commissioner of the Social Security	:	
Administration,	:	
Defendant.	:	

**ORDER**

AND NOW, this 22nd day of March 2011, upon consideration of Plaintiff's Motion for Summary Judgment And/Or Remand and Brief and Statement of Issues In Support of Request For Review (Doc. No. 9), Defendant's Response to Plaintiff's Request For Review (Doc. No. 12), the Report and Recommendation filed by United States Magistrate Judge Henry S. Perkin (Doc. No. 13), Defendant's Objections to the Magistrate Judge's Report and Recommendation (Doc. No. 14), and Plaintiff's Response in Support of the Recommendation (Doc. No. 17), and after independent review of the record, it is **ORDERED** as follows:

1. The Report and Recommendation (Doc. No. 13) is **APPROVED** and **ADOPTED**.
2. Plaintiff's Motion (Doc. No. 9) is **GRANTED** and this case is **REMANDED** to the Commissioner under 42 U.S.C. § 405(g) for further proceedings consistent with this Court's Opinion and the Report and Recommendation of United States Magistrate Judge Henry S. Perkins (Doc. No. 13).

3. Judgment is entered in favor of Plaintiff, reversing the decision of the Commissioner for purpose of this remand only.
4. The Clerk of Court shall mark this case closed for statistical purposes.

BY THE COURT:

/s/ Joel H. Slomsky, J.  
JOEL H. SLOMSKY, J.